• (1740)

The governments must squeeze their people in order to repay at least the interest payments. Therefore, there is conflict. Our countries take advantage of that by selling arms to them. We are not the only ones selling arms to them, but we sure make a big business of it. Therefore, the conflicts that have been generated in these former colonies of non white people formerly belonging to the countries who are members of NATO have generated refugees, of which there are several million.

Some of these so-called refugees are not refugees in the technical sense established in Europe, refugees from persecution, some of them are refugees from famine. The famine may have been caused by natural causes or by bad farming practices introduced by the NATO countries into places like Africa, destroying the land, but it is estimated that there are about 15 million refugees of both kinds, mainly in Africa.

It is estimated that about 5 per cent, approximately 750,000 of those refugees, are interested in getting into the developed countries, whether in Europe or North America. That is to say, it amounts to 2 per cent of the population of the NATO countries. These are the countries that have benefited from the practices that created the conditions that produced those refugees. Some of them apparently would like to come and enjoy the fruits of what we took from their forbears.

The problem is not insuperable. It could be addressed. Seven hundred and fifty thousand refugees shared among 15 or 20 countries according to population, size of the country and resources, would mean perhaps an average of 40,000 or 50,000 refugees per country. It is not an insuperable problem but so far our country and other countries have been reluctant to address it. Therefore, we have the problem of the present legislation before us.

We have the problems of the response of the Minister, which is mainly aimed at keeping refugee claimants out. In fact, as is well known, many of the refugee claimants who are kept out will be genuine refugees. They will be turned away and we do not know what will happen to them. We do not even know which are the genuine refugees because we will be violating our international commitment by refusing to even examine their claim.

This is what is shown in the Minister's response to the Senate amendments. The main fault of Bill C-55 is that it denies the right of oral hearings which was nailed down three years ago by the Supreme Court in the Singh decision. The chief denial of that is in the so-called safe country clause. Again, that principle is that the individual has a certain right that even encroaches in a small way on the sovereignty of the state. That is reflected in amendment No. 3 from the Senate.

The amendment states that the person can be sent back to this other country in which he spent some time if that country is willing to receive the claimant if removed from Canada, or in which the claimant has the right to have the merits of the claim determined. The fact is that it will not work.

Even under the Senate's amendment it is not clear what quality of refugee rights determination that country will give. Furthermore, by saying that a country is willing to receive a claimant or choose to give him the right of refugee determination, it is not clear which he will have, and it is very likely that if they interpret the word "receive" in a way that allows him simply to come into the airport and be bounced out on the next plane to some other country, he will not have the option of having his refugee rights determined.

Therefore, if we send him away on those terms to Germany, or if we send a Salvadoran to the United States on those terms, we are endangering his life and freedom to the extent that the United States, which recognizes 85 per cent of Nicaraguans as refugees, recognizes only 3 per cent of Salvadorans as refugees and there would be a very great danger that a Salvadoran from Canada to the United States would be deported by the U.S. to the country from which many of them have a legitimate reason to flee.

Unfortunately, the Minister has worsened the amendment by using the term "return". The Minister's preferred wording is: "... of which the claimant would be allowed to return to that country if removed from Canada or would have the right to have the merits of his claim determined in that country". The word return in practice in Europe means, more clearly than receive, even, that they are free to bounce him out again.

We need a clause that amends it by replacing the word "return" with the word "admit", which means with the right to stay in our practice in law. We would have to apply that as a standard to whatever country to which we would send him. Not only should we replace the word "or" with "and", but also add to the clause and to the words that were moved in the amendment by the Member for York West the words "according to principles of fundamental justice". In other words, they would have the right to have the merits of their claims determined in that country according to the principles of fundamental justice. I will be offering an amendment to that effect at the end of my remarks.

This was pointed out to us a year ago by the United Nations High Commission for Refugees in an *aide memoire* that was made available to us through unknown channels, but was acknowledged to be a bona fide *aide memoire* of the United Nations High Commission.

They say that Section 48.1(1)(b), as presently drafted, does not allow the individual asylum seeker, or refugee, to invoke personal circumstances militating against return to a "safe" country, nor does it predicate return on the assurance of readmission and determination of his or her claim to refugee status.

Neither the issue of a convention travel document nor the listing of a safe country should exclude the possibility that an